

**MAYOR AND COUNCIL OF FEDERALSBURG  
REGULAR MONTHLY MEETING & PUBLIC HEARING  
MONDAY, JULY 6, 2009 @ 6:00 P.M.**

The Regular Monthly Meeting of the Mayor and Council was held on Monday, July 6, 2009 at 6:00 p.m. Those in attendance were Mayor Fluharty and Councilmembers Windsor, Willis, Armes, and Bollinger. Also in attendance were local citizenry, guests, local media and staff.

The meeting was called to order by Mayor Fluharty who led the group in reciting the Pledge of Allegiance.

**AGENDA ITEM NO. III – PUBLIC HEARING @ 6:00 P.M.**

The Mayor and Council of Federalsburg held a public hearing to hear public comment on Ordinance No. 2009-09 Residential Rental Housing License and Inspection and Ordinance No. 2009-10 – Administrative Search Warrant.

**Ordinance No. 2009-09 – Residential Rental Housing License and Inspection**

David Thompson, Town Attorney gave a brief summary of the Residential Rental Housing License and Inspection Ordinance. This is an ordinance that would amend the Federalsburg Town Code to add Chapter 158 entitled “Residential Rental Housing License and Inspection” to establish a licensing and inspection program for residential rental dwelling units within the town of Federalsburg.

Mayor Fluharty asked for citizen comments on the ordinance.

Bart Johnson questioned whether or not this program would require hiring an additional person and he was advised that the Code Enforcement Officer would handle the administrative duties of this program without hiring another employee.

Steve Watson, Code Enforcement Officer, stated that this ordinance is not a revenue generator for the Town but will promote the health, safety, and general welfare of the public.

Steve Watson reported that there are currently a total of 1,220 residential units located within the Town of Federalsburg; of the 1,220 units, 624 are rental units (275 – are privately owned rental units and 349 – are Housing Complex rental units).

The recommended fee for the rental license will be \$15.00 per unit.

There was some discussion in regard to Page Two – Section 158-3 – Rental operating license required – to changing the word “periodic” to “as deemed necessary”. There was discussion that the word “periodic” might mean that the Code Enforcement Officer could call for an inspection at anytime or that it could mean regular inspections of some kind. David Thompson stated that “periodic” contemplates a time frame. If the Mayor and Council are more comfortable with the wording “as needed” or “as deemed necessary” he would be comfortable to defend with either wording.

Councilmember Willis felt that all rental houses should be inspected in the beginning so that no one is singled out.

A question was asked whether or not this ordinance would affect private homes. This ordinance only pertains to rental properties. There was some concern that there are as many private homes that are in bad condition as there are rental properties.

#### **Ordinance No. 2009-10 – Administrative Search Warrant**

David Thompson, Town Attorney gave a brief overview of the ordinance. This ordinance will amend Chapter 1 of the Federalsburg Town Code to add Section 2-1 entitled “Administrative Search Warrants; Right of Entry” to establish the standards and requirements for obtaining an administrative search warrant to enter a premises located within the Town of Federalsburg.

Mayor Fluharty asked for public comment on the Administrative Search Warrant Ordinance. There were no comments.

A motion by Councilmember Willis seconded by Councilmember Bollinger and passed by a vote of five to zero to adjourn the public hearing at 6:42 p.m.

Councilmember Windsor had to leave at 7:43 p.m.

#### **AGENDA ITEM NO. IV – Scott Shilling – Bay Country Communications**

Mr. Shilling was not present.

## **AGENDA ITEM NO. V – OLD BUSINESS**

### **Maple Avenue /South Main Street Project – Amendment to contract proposal dated November 25, 2008**

Mr. Bill Remington and Joshua Gliptis, representatives from Davis, Bowen and Friedel were present requesting an amendment to the original contract administration proposal dated November 25, 2008 for the Maple Avenue/South Main Street Project Engineering proposal.

The following meetings have been scheduled:

July 22, 2009 @ 6:30 p.m. – Meeting scheduled with homeowners to advise them about the project and what to expect.

July 27, 2009 – 10 a.m. – Pre-Bid Meeting for contractors

August 19, 2009 – Bid Opening at 3:30 p.m.

They are still working on minor details on the project. They will also do the contract administrative work on the project. All the costs of the project will be covered by MDE except for \$11,000, which will be in-kind administrative costs for the staff that work on this project. DBF will provide monthly status reports to the town and the reports can be given to the residents. The total estimated fees for contract administration and inspection are \$234,500 based on the following:

1. The lump sum fee for construction administrative service is \$125,250, plus direct reimbursable expenses estimated at \$1400.
2. The inspection services (RPR) will be billed at \$70/hour and the overtime rate is \$105/hour for services after the 9<sup>th</sup> work hour in a day or 40<sup>th</sup> work hour in a week. Inspection services are estimated to be \$103,250 based on an anticipated 1385 regular hours and 60 overtime hours.
3. The lump sum fee of \$4,600 for record drawings.

A motion by Councilmember Bollinger seconded by Councilmember Armes and passed by a vote of four to zero approving the amended contract between the Town of Federalsburg and Davis, Bowen, and Friedel for the South Main Street/Maple Avenue Stormwater Separation Project in the amount of \$234,500.

## **Ordinance No. 2009-09 – Rental Housing License and Inspection**

A motion by Councilmember Bollinger seconded by Councilmember Armes and passed by a vote of four to zero to approving Ordinance No. 2009-09 – Rental Housing License and Inspection as amended. The amendment will change the wording on Page Two – Section 158-4a. Inspections – to read “All residential rental properties shall be subject to periodic inspections, **as deemed necessary** by the Town’s Code Enforcement Officer, or other designee, to determine if they are in conformance with the Town Code and applicable ordinances, laws or other regulations.”

## **Ordinance 2009-10 – Administrative Search Warrant – Right of Entry**

A motion by Councilmember Willis seconded by Councilmember Bollinger approving Ordinance No. 2009-10 – an ordinance of the Mayor and Council of Federalsburg to amend Chapter 1 of the Federalsburg Town Code to add Section 2-1 entitled “Administrative Search Warrants; Right of Entry” to establish the standards and requirements for obtaining an administrative Search Warrant to enter a premises located within the Town of Federalsburg, by a vote of four to zero.

## **AGENDA ITEM NO. VI – NEW BUSINESS**

None

## **AGENDA ITEM NO. VII – COMMITTEE REPORTS**

### **Federalsburg Historical Society**

Bart Johnson reported that on Wednesday, July 1<sup>st</sup> the Maryland Heritage Areas authority held a public hearing in the Mayor and Council Meeting Room. The purpose of the public hearing was to hear discussion about the request to enlarge the boundaries of the Stories of the Chesapeake Heritage Area to include the Town of Federalsburg. This would also allow the town to participate in the Stories of the Chesapeake Heritage Area “Target Investment Zones”. Being a participant may provide for certain State benefits including grants, loans and Heritage Preservation Tax Credits. There was no negative testimony at the public hearing. Mr. Johnson thanked Happy Mayer, Richard Colburn, David Armes, and Elizabeth Watson who attended the public hearing. Mr. Johnson also thanked the Mayor for his personal letter of support toward the project of which he requested a copy of said letter and was issued a copy that night. He thanked the town for their support.

Mr. Johnson also questioned the status of the museum concerns. He was advised that the town is still waiting on a couple pieces of documentation. Bill Remington of Davis, Bowen, and Friedel, confirmed that they were waiting on additional information.

A meeting was requested and scheduled to meet on Monday, July 20<sup>th</sup> at 6 p.m. with the Executive Board of the Federalsburg Historical Society for discussion purposes.

### **Federalsburg Fire Department**

Mayor Fluharty reported the following activities for the month of July for the Federalsburg Volunteer Fire Company:

July 11<sup>th</sup> – Chicken Barbeque

July 26<sup>th</sup> – Monthly Breakfast

### **AGENDA ITEM NO. VIII – PUBLIC CONCERNS**

#### **Holland Drive Subdivision –Ditch/Housing Concerns**

Mrs. Marion Copper addressed her concerns about the drainage ditch behind the homes in the Holland Drive Subdivision. Mayor Fluharty advised her that a letter would be sent to the adjoining property owner that they need to clean up the ditch.

Mrs. Copper asked about the status of the meeting that was held on Tuesday, June 23<sup>rd</sup> with the Holland Drive Residents. Representatives from Interfaith Housing, the CHIPS Program, Richard Colburn, and Mayor Fluharty met with residents from Holland Drive to discuss their housing and drainage concerns. Diane Wojak will check with the Health Department to inquire about testing the houses for mold. Richard Colburn will see Mrs. Wojack on Friday and will ask her for an update. Mayor Fluharty stated that they are not sure what steps to take at this point but they are working on the property owners concerns.

Ms. Copper said her concern is with health issues.

### **AGENDA ITEM NO. IX – ACTION ITEMS**

#### **MINUTES**

A motion by Councilmember Bollinger seconded by Councilmember Armes and passed by a vote of four to zero approving the minutes as submitted for the June 1<sup>st</sup> Regular Monthly Meeting and Public Hearing.

### **CLOSED SESSION**

Mayor Fluharty announced the Mayor and Council held a Closed Session prior to the regular meeting for a personnel matter and employee evaluations.

A motion by Councilmember Willis seconded by Councilmember Bollinger and passed by a vote of four to zero to adjourn into closed session following the regular meeting to obtain legal advice from the Town Attorney.

### **Town Manager Report**

1. Public Works is awaiting a response on whether or not they can purchase the truck for the water department. Steve has been offered a used vehicle for \$17,000 with no warranty; which would be two years older verses a new truck. Councilmember Bollinger questioned whether or not the dealer would allow for transferring the old body to the new truck. It was the consensus of the Mayor and Council to purchase the new truck using the low bidder and ask about transferring the old body on the new truck. If this can be done, the Mayor and Council would need to know what cost would be.
2. The Mayor and Council have a workshop scheduled for Monday, July 20<sup>th</sup> at 6:00 p.m.
3. Richard Colburn advised that he and Steve Dyott, Public Works Director, met with Dan McDermott of the Workforce Investment Board, Greg Gibson, Federalsburg Crew Leader and Deborah Bolder, Coordinator for Caroline and Dorchester County; and there will be seven Federalsburg youth between the ages of 14-18 that will work Monday through Friday from 8 a.m. to 2:30 p.m. with one half hour for lunch beginning July 8<sup>th</sup> through August 7, 2009 performing cleanup in Chambers Park.
4. July 14, 2009 @ 7:00 p.m. Richard Colburn, Town Manager will address the Historical Society at their monthly meeting.

### **ADJOURNMENT**

A motion by Councilmember Willis seconded by Councilmember Bollinger and passed by a vote of four to zero to adjourn at 7:17 p.m.

Submitted by,

Shirley A. Greene  
Clerk-Treasurer